

**To:** Gray, Heather[Gray.Heather@epa.gov]; jeffrey.Sands@usdoj.gov[jeffrey.Sands@usdoj.gov]; Eiseman, Robin[Eiseman.Robin@epa.gov]; Ajl, Diane[Ajl.Diane@epa.gov]  
**Cc:** Van Eaton, Josh (ENRD)[Josh.Van.Eaton@usdoj.gov]; Himmelhoch, Sarah (ENRD)[Sarah.Himmelhoch@usdoj.gov]  
**From:** bigioni, neil  
**Sent:** Thur 1/30/2014 3:22:29 PM  
**Subject:** RE: Litigation Hold letters for Freedom Industries spill

OK. 2:30 seems to work.

Robin, can you set up a call in #?

**From:** Gray, Heather  
**Sent:** Thursday, January 30, 2014 10:21 AM  
**To:** jeffrey.Sands@usdoj.gov; bigioni, neil; Eiseman, Robin; Ajl, Diane  
**Cc:** Van Eaton, Josh (ENRD); Himmelhoch, Sarah (ENRD)  
**Subject:** RE: Litigation Hold letters for Freedom Industries spill

I have that time available at this point, and can participate. Heather

**From:** Sands, Jeffrey (ENRD) [<mailto:Jeffrey.Sands@usdoj.gov>]  
**Sent:** Thursday, January 30, 2014 10:01 AM  
**To:** bigioni, neil; Gray, Heather; Eiseman, Robin; Ajl, Diane  
**Cc:** Van Eaton, Josh (ENRD); Himmelhoch, Sarah (ENRD)  
**Subject:** RE: Litigation Hold letters for Freedom Industries spill

Thanks, Neil. Since this call was requested by the Region, and your participation was specifically noted, perhaps we should look for another time when Heather and others involved with this matter are also available. Would 2:30 today work better for folks?

**From:** bigioni, neil [<mailto:bigioni.neil@epa.gov>]  
**Sent:** Thursday, January 30, 2014 9:14 AM  
**To:** Sands, Jeffrey (ENRD); Gray, Heather  
**Cc:** Van Eaton, Josh (ENRD); Himmelhoch, Sarah (ENRD)  
**Subject:** RE: Litigation Hold letters for Freedom Industries spill

Jeff, it appears that only I from R3 ORC can be available for a call today. I am happy to have such a call, but just to be clear:

1. I do not supervise the WV spill activities.

## **Ex. 5 - Attorney-Client**

5. With all this said, if you would like to chat, I am available at 11.

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**From:** Sands, Jeffrey (ENRD) [<mailto:Jeffrey.Sands@usdoj.gov>]  
**Sent:** Wednesday, January 29, 2014 4:54 PM  
**To:** Gray, Heather; bigioni, neil  
**Cc:** Van Eaton, Josh (ENRD); Himmelhoch, Sarah (ENRD)  
**Subject:** Litigation Hold letters for Freedom Industries spill

Heather and Neil,

I understand that you would like to further discuss the decision to issue litigation hold letters in relation to the chemical spill in West Virginia caused by Freedom Industries. Sarah Himmelhoch is the Environment & Natural Resources Division's go-to person on lit holds. Sarah is available for a conversation tomorrow or Friday. Please provide me with a few times that you are available for a call over the next two days and we will set something up.

Thanks,

Jeff

**Jeffrey K. Sands**

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